HON'BLE SRI JUSTICE K.C. BHANU

W.P.NO.18799 OF 2003

DATED: 25.7.2005

Between:

Superintending Engineer, Operation

Circle, SPDC, Guntur

… Petitioner

and

The Labour Court, Guntur and another

… Respondents

HON'BLE SRI JUSTICE K.C. BHANU

W.P.NO.18799 OF 2003

ORDER:

This writ petition has been filed for a writ of Certiorari calling for records in E.P.No.11 of 2000 in I.D.No.366 of 1994 dated 18.7.2003, and to quash the same by passing appropriate orders.

The facts in narrow compass are that the reversion order of the 2nd respondent-workman has been set aside by the Labour Court, Guntur, by order dated 5.4.1999, by imposing the punishment of withholding two annual increments with cumulative effect, which has become final. When the petitioner-management herein has not paid the amounts to the workman, as directed by the Labour Court, the workman raised execution proceedings in E.P.No.11 of 2000, which was allowed. Challenging the same, the next step of filing this writ petition has been followed.

Learned counsel for the petitioner-management contends that by virtue of the incorrect calculation memo, the 2nd respondent-workman is claiming the amount for which he is not entitled, and that no evidence is let in by him before the Trial court, to substantiate his case and, hence, the order of the Court below suffers from legal incurable infirmities.

On the other hand, learned counsel for the 2nd respondent-workman submitted that the Labour Court came to the conclusion that when the order of the Superintending Engineer is set aside, the order treating the suspension should also be set aside and, therefore, the pay and emoluments have to be paid to the workman for the period of his suspension. Ultimately, it is pleaded that there is no infirmity in the order of the Labour Court calling for any interference by this court.

Both the learned counsel on either side admitted that the workman is entitled for amounts as per Ex.P-2 (revised pay fixation) dated 31.8.1999. Learned counsel for the petitioner-management submits that the amounts as shown in Ex.P-2 have been paid, which fact was seriously disputed by the learned counsel for the 2nd

respondent-workman.

Therefore, the disputed questions of facts cannot be decided by this court in this writ petition. Hence, the matter requires to be enquired into by the Court below. In the circumstances, the E.P.No.11 of 2000 in I.D.No.366 of 1994 dated 18.7.2003 is set aside and the matter is remitted to the Labour Court to determine the amounts payable to the 1st respondent-workman, uninfluenced by any observations made herein, within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

25.7.2005

CVM